

C. Remarks

The claims are 35-43, with claim 35 being the sole independent claim.

Claims 17-34 have been cancelled. New claims 35-43 have been added, which are based on the cancelled claims. Support for the structures in these claims may be found, for example, in Compounds 8, 12, 13, 15 and 16 and Ex. Comp. Nos. 2, 3, 25 and 26. No new matter has been added. Consideration of the present claims is expressly requested.

Claims 17, 18 and 29-34 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner has alleged that the application as originally filed does not disclose any compounds according to part A) in claim 17 in which neither one of R₁-R₄ is a hydrogen. Since the rejected claims have been cancelled and new claims 35-43 do not recite a structure according to part A) in claim 17 in which neither one of R₁-R₄ is a hydrogen, this rejection should be withdrawn.

Claims 17, 18 and 29-34 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from U.S. Patent Application Publication No. 2001/019782 A1 (Igarashi). Claims 17, 26 and 29-34 have been rejected under 35 U.S.C. § 103(a) as being allegedly obvious from U.S. Patent Application Publication No. 2002/0121638 A1 (Grushin). Since all rejected claims have been cancelled, the above rejections are moot and should be withdrawn.

Applicants respectfully submit that the newly added claims 35-43 are patentable over the cited references.

With respect to Igarashi, Applicants have already perfected priority over this document under 37 C.F.R. § 1.55. Thus, Igarashi is not prior art. The Examiner, however, rejected the claims over Igarashi, alleging that neither the originally filed application nor the priority applications support a structure according to part A) in claim 17 in which neither one of R₁-R₄ is a hydrogen. Since claim 17 has been cancelled and, as mentioned above, the new claims do not recite such a structure, Igarashi cannot be used to reject the present claims.

With respect to Grushin, the Examiner's rejection is directed to part I) of claim 17, alleging that it would have been obvious to prepare Compound 1-g in Grushin in which A is not carbon but nitrogen, based on the disclosure in paragraph [0017], which teaches that A can be either carbon or nitrogen. Applicants respectfully disagree. However, since claim 17 has been cancelled and claims 35-43 do not recite a structure as in part I) of claim 17, the rejection over Grushin is moot and should be withdrawn.

In conclusion, Applicants respectfully submit that the present claims are clearly patentable over the cited art. Wherefore, allowance of the claims and expedient passage to issue are respectfully requested.

This Amendment should be entered, because it places the claims in allowable form. Alternatively, it places the claims in better form for a possible appeal by reducing the issues. Applicants note that the number of cancelled finally rejected claims exceeds the number of the newly added claims.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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